

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,
GREGORY ELEFTERAKIS, ROMAN POLLAK,
ANTHONY BRIDDA, NICHOLAS ELEFTERAKIS,
NICHOLAS LIAKIS, and IME COMPANIONS LLC,

Defendants.

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SAFA GELARDI and IME COMPANIONS, LLC,

Third-Party Plaintiffs,

-against-

CARLOS ROA,

Third-Party Defendant.

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CARLOS ROA,

Third-Party Counter-Claimant,

-against-

SAFA ABUDLRAHIM GELARDI, VITO GELARDI,
and IME COMPANIONS, LLC,

Third-Party Counter-Defendants.

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Case No.: 1:22-cv-1032 (PKC) (JRC)

**ORDER TO SHOW CAUSE
FOR CONTEMPT, FOR AN
ORDER OF ATTACHMENT
PURSUANT TO RULE 64 OF
THE FEDERAL RULES OF CIVIL
PROCEDURE & ARTICLE 62 OF
THE NEW YORK CIVIL
PRACTICE LAW & RULES, AND
IN SUPPORT OF PLAINTIFF'S
RENEWED MOTION FOR A
PRELIMINARY INJUNCTION
DIRECTING DEFENDANTS TO
CEASE OPERATING IME
COMPANIONS LLC AND ANY
OTHER ENTITIES THAT
COMPETE WITH PLAINTIFF**

Upon the annexed declarations of Emanuel Kataev, Esq., Daniella Levi, Esq., Carlos Roa (hereinafter “Roa”), and Adam Rosenblatt, and the annexed Memorandum of Law in support, and all prior pleadings and proceedings heretofore had herein,

LET the defendants, Safa Abdulrahim Gelardi, Vito Gelardi, and IME Companions LLC (collectively the “Defendants”), show cause before the Hon. Pamela K. Chen, U.S.D.J., of this Court to be held at the courthouse thereof, located at 225 Cadman Plaza East, Brooklyn, NY 11201, on the 27 day of March, 2023 at 2:00 PM o’clock in the after noon of that day, or as soon thereafter as counsel can be heard, why an order should not be issued:

(a) Holding Defendants in contempt of this Court’s Amended Preliminary Injunction dated June 8, 2022 (ECF Docket Entry 80) (hereinafter the “Injunction”) for engaging in witness tampering and intimidation of Roa by sending a convicted felon to make contact with him and to place a global-positioning-system (“GPS”) device upon Roa’s vehicle to illegally track his whereabouts, for unlawfully and repeatedly contacting Plaintiff’s other employees, agents, and customers, and for otherwise violating the Injunction;

(b) Preliminarily enjoining Defendants from continuing to operate their business (i) as a sanction for engaging in conduct that constitutes contempt of the Court; and (ii) because the evidence establishes that Defendants started IME Companions LLC solely using Plaintiff’s confidential information;

(c) Imposing upon Defendants a daily fine of \$10,000.00 payable to Plaintiff for each day this Court finds Defendants have violated the Injunction;

(d) Precluding the sale of real property located at 1475 Moon Valley Drive, Champions Gate, FL 33896, and any other properties owned by the Defendants, or, in the alternative, an order directing that all proceeds from the sale of any real property be held in escrow pending final disposition of this case;

(e) Awarding Plaintiff as well as its principal, employees, and agents an Order of protection prohibiting any contact, directly or indirectly, by Defendants and directing Defendants to stay away from Plaintiff as well as its principal, employees, and agents;

(f) Directing Defendants to submit to another forensic examination at their sole cost to determine the nature and extent of their contemptuous conduct, including a forensic accounting;

(g) Awarding Plaintiff its damages, costs, and reasonable attorneys' fees incurred in connection with this application; and

(h) For such other and further relief as this honorable Court deems just, equitable, and proper; and it is

ORDERED, that pending the hearing and determination of this application, and further order of this Court, Defendants and any persons/entities acting in concert with them, are hereby:

(a) Directed to comply with the Injunction in its entirety;

(b) Preliminarily enjoined from contacting Roa, directly or indirectly, by any means;

(c) Preliminarily enjoined from contacting any employee, agent, or customer of Plaintiff, directly or indirectly, by any means;

(d) Preliminarily enjoined from operating their business or any other business that unfairly competes with Plaintiff in violation of the law; and

(e) Preliminarily enjoined from selling real property located at 1475 Moon Valley Dr, Champions Gate, FL 33896, and any other properties owned by the Defendants; and it is further

ORDERED that pending the hearing of this matter, Defendants shall produce to Plaintiff all communications between Defendants and/or their agents with Stephan Stanulis and/or any agent or employee of Silver Shield Security LLC; and it is further

ORDERED that Plaintiff shall be permitted to conduct discovery on an expedited basis, including obtaining documents from Defendants and taking depositions in aid of the requested injunctive relief, and it is further

ORDERED that service via ECF made upon Defendants at shall be deemed good and sufficient service; and it is further

ORDERED that answering papers, if any, shall be served on Plaintiff's counsel, Emanuel Kataev, Esq., Milman Labuda Law Group PLLC, 3000 Marcus Avenue, Suite 3W8, Lake Success, NY 11042-1073, via ECF on or before the 17 day of March, 2023; and it is further

ORDERED that reply papers, if any, shall be filed and served on or before 22 day of March, 2023.

Dated: 3/10/2023

SO ORDERED:

/s/ Pamela K. Chen

Hon. Pamela K. Chen, U.S.D.J.